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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,281	08/10/2001	Sergey Fedorovich Golovashchenko	200-1213	5317

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/927,281

Applicant(s)

GOLOVASHCHENKO ET AL.

Examiner

Kenneth E Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Applicant's election with traverse of Species A in Paper No. 4 is acknowledged. The traversal is on the grounds that the Examiner has not shown burden under MPEP 808.02. This is not found persuasive because MPEP 808.02 is about *related inventions*. An example of related inventions are apparatus and method of using apparatus. Another example of related inventions are subcombinations usable together. See MPEP 806.05. In the instant case, there is a *species* requirement. Species are not *related inventions*, and thus MPEP 808.02 does not apply.

The requirement is still deemed proper and is therefore made FINAL.

While Examiner has not searched for Species B and C, he did stumble upon some references that are relevant to Species B and C and should be of interest to Applicant. Examiner has made these references of record as set forth below.

2. Claims 7,8,10 and 11 are objected to because they fail to further limit the parent claims. The fact that the apparatus *could be* used with aluminum sheets or with a stamping press does not further limit the cutting apparatus set forth in the parent claims. Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al., who shows in figure 4 a steady blade (16), a clamping pad (24), and a moving blade (26) having a cutting edge with a radius.

5. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Grissom, who shows in figure 1 a steady blade (top of 14), a clamping pad (6), a moving blade (3) and a scrap support made of a plate (17) and an elastic element (20).

6. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kravets, who shows in figure 6 a steady blade (22), a clamping pad (32), a moving blade (52) and a scrap support made of a plate (92) and an elastic element (96).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4,7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravets in view of Li et al.

Kravets, as set forth above, shows an apparatus with all of the recited limitations except the cutting edge of the movable blade is not rounded to a radius. However, in the art of sheet metal cutting, Li shows that it is well known for the movable blade to be

Art Unit: 3724

rounded to a radius (see figure 4). It would have been obvious to one of ordinary skill in the art to have modified Kravets by making the cutting edge of the movable blade rounded, as taught by Li, in order to eliminate the creation of slivers.

9. Made of record but not applied are patents to Madsen, Zyl, Kohama et al., Hirata et al., Warga III and Osmera (Swiss).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
February 25, 2003



KENNETH E. PETERSON
PRIMARY EXAMINER